



The GMA Concurrency Goal and the State Transportation System

Transportation Commission

Douglas B. MacDonald
Secretary of Transportation

Paula J. Hammond, P.E.
Chief of Staff

Brian Smith
Director, Strategic Planning & Programming

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Today's Presentation

- The Growth Management Act
- Concurrency under the GMA
- Concurrency Milestones
- The WTP Connection
- The 2006 Analysis Request
- The Concurrency Analysis Approach
- Summary of Findings
 - Planning
 - Funding
 - Governance
- Policy Concepts
- Outcomes of the Analysis

The Growth Management Act

- Adopted in 1990
- State Policy Framework Based on 14 Planning Goals
- Prescribes Process and Minimum Requirements for Local Comprehensive Planning and Land Use Regulation
- Applies Differently:
 - 29 of 39 counties fully plan
 - 218 of 281 cities fully plan
 - Remaining jurisdictions (encompassing 5% of state population) plan for resource lands and critical areas only
- Emphasis on Local Discretion over State Control
 - Local plans and regulations are presumed valid upon adoption
 - Challenges are heard by one of three growth management hearings boards



“The legislature finds that while this chapter requires local planning to take place within a framework of state goals and requirements, the ultimate burden and responsibility for planning, harmonizing the planning goals of this chapter, and implementing a county’s or city’s future rests with that community.”

RCW 36.70A.3201

What is Concurrency?

- **The GMA Concurrency Goal:**

“Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing service levels below locally established minimum standards.”¹

- **The GMA Transportation Concurrency Requirement:**

Cities and counties must deny development that causes the level of service on a **locally owned** transportation facility to decline below its adopted standard, unless transportation improvements or strategies to accommodate the impacts of that development are made within six years of development approval.²

- **The GMA Concurrency Exemption:**

The concurrency requirements do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes.³

“What the GMA’s concurrency principle guarantees is ‘truth in planning.’ That is: local governments must disclose the amount and quality of the services they will provide, how and where they will be provided, how much they will cost, and how they will be funded.”

*BACC. v. Clark County,
04-2-0038c, WWGMHB (2005).*

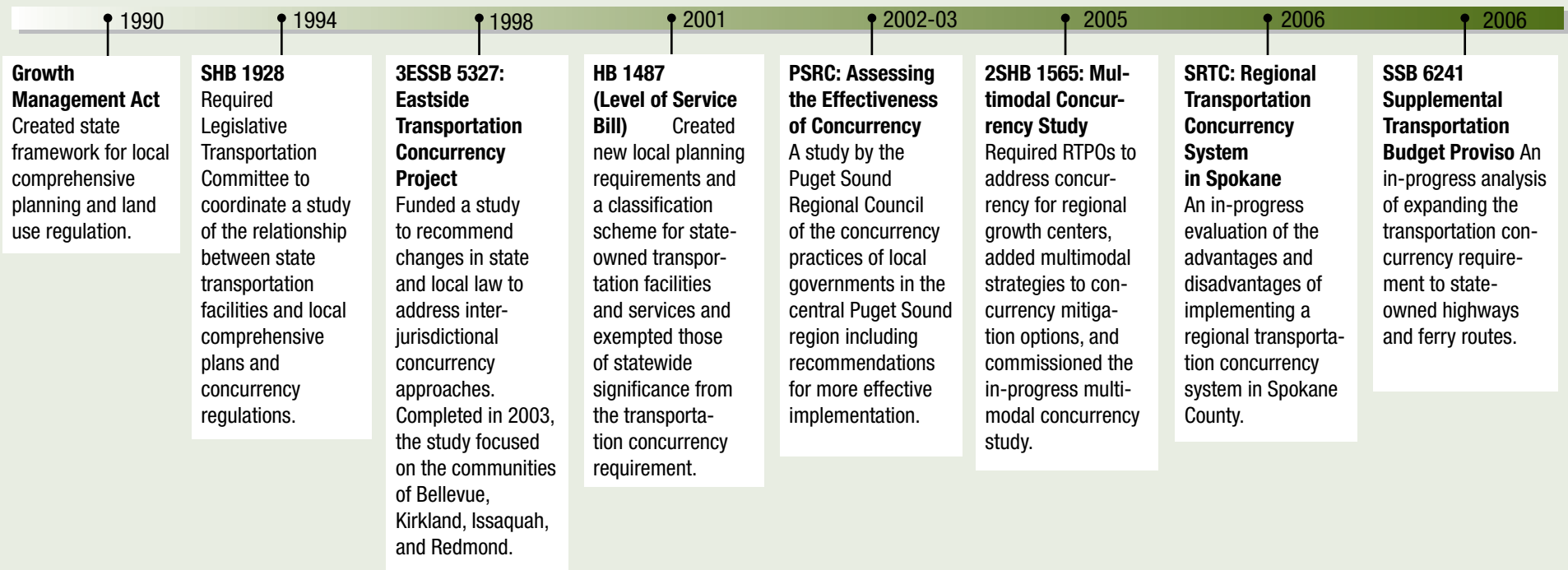
1 RCW 36.70A.020(12)

2 RCW 36.70A.070(6)(b)

3 RCW 36.70A.070(6)(a)(iii)(C)

Concurrency Milestones

Concurrency Milestones



The Analysis Request (SSB 6241, 2006)

- **Request:**

“To conduct an analysis of expanding the transportation concurrency requirements prescribed under the growth management act...to include development impacts on level of service standards applicable to state-owned transportation facilities, including state highways and state ferry routes.”

- **Objective:**

“The objective of the analysis is to determine how to ensure that jurisdictional divisions do no defeat growth management act concurrency goals.”

- **Outcome:**

“The completed study, including recommendations, must be submitted to the appropriate standing committees of the legislature and to the Office of Financial Management, by December 1, 2006.”

- **Process:**

WSDOT is responsible for conducting the analysis and convening an oversight committee comprised of four legislative transportation committee members, four legislative land use committee members, and one member each from the Association of Washington Cities and the Washington State Association of Counties.

Concurrency Oversight Committee

Senator Bill Finkbeiner
(R, 45th Dist.)

Senator Mary Margaret Haugen
(D, 10th Dist.)

Senator Joyce Mulliken
(R, 13th Dist.)

Senator Craig Pridemore
(D, 49th Dist.)

Representative Lynn Schindler
(R, 4th Dist.)

Representative Dean Takko
(D, 19th Dist.)

Representative Alex Wood
(D, 3rd Dist.)

Representative Beverly Woods
(R, 23rd Dist.)

Ashley Probart, AWC
Eric Johnson, WSAC

Agency Support

Leonard Bauer, CTED

The WTP Connection

The following WTP policy recommendations are most closely related to the analysis:

Funding:

- Identify strategies and methods to provide sustainable revenue sources for transportation needs, including tolling and innovative approaches.
- Identify innovative financing approaches aimed at meeting the long-term capital investment needs of the ferry system.

Land Use and Transportation:

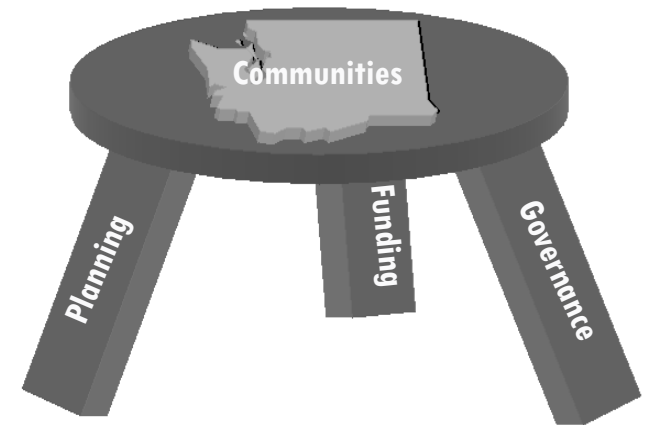
- Improve concurrency between transportation and land use decisions to ensure complementary development of land with transportation infrastructure.
- Clarify the state and local responsibility and options for addressing highway congestion that are driven by local permitting decisions.

Safety:

- Identify cost effective ways in which the state and local agencies responsible for safety on highways, streets and roads can coordinate their efforts to achieve statewide safety goals in a comprehensive manner.

The Concurrency Analysis Approach

- Define concurrency within the context of all tools available to address the impacts of local land use decisions on the state transportation system:
 - planning
 - funding
 - governance
- Assess the current legal framework for state, regional, and local transportation planning, concurrency, and development mitigation.
- Evaluate how state, regional, and local agencies implement these laws.
- Identify gaps in law and practice that impede the achievement of the GMA concurrency goal.
- Define and compare policy concepts to address the identified gaps.



Planning Findings

- **Current planning practices for state transportation facilities generally lack the government-to-government communication, data-sharing, and transportation modeling coordination needed to make existing GMA planning requirements meaningful**
- **State transportation planning guidance documents and administrative rules are not up to date**
- **WSDOT lacks systematic policies and procedures for reviewing, commenting on, tracking, and using information from local comprehensive plans and development regulations**
- Limited staff resources constrain the planning and analysis local governments undertake, the vigor of the regional certification process, and the ability of state agencies to review local plans and regulations
- Some jurisdictions may choose not to minimize the impacts of their land use plans on state-owned transportation facilities
- Inconsistent local access permitting practices as well as grandfathered, illegal and mandatory “reasonable access” requirements exacerbate land use impacts on state highways
- Local plans and regulations are not consistently submitted to the state for review
- Minimum requirements for regional certification of local comprehensive plans are not sufficiently detailed to be meaningful
- RTPOs ability to enforce regional transportation planning policies is limited by the political reality that member jurisdictions may react by withdrawing participation and/or funding

Funding Findings

- **Due to limited staff resources and short timelines for review, WSDOT often focuses on reviewing and requesting SEPA mitigation for the developments with the largest impacts**
- **WSDOT lacks clear standards for private traffic analyses and systematic policies for the tracking of development proposals, the documentation of review processes, and the reporting of results**
- Local governments tend not to use mitigation and impact fees to the full extent allowed and impact fees cannot be used for state-owned transportation facilities
- Mitigation is costly to assess, unpredictable for developers, and focuses resources on short-term and small-impact projects
- Local governments do not consistently submit plans, regulations, and project information to WSDOT for SEPA review
- Insufficient state transportation funding has led to little new state highway and ferry capacity
- The legislature might not direct transportation investments toward planned growth areas
- The state often must rely on local agencies to condition development approval and collect mitigation or fees on its behalf

Governance Findings

- **Because of limited staff resources, WSDOT does not consistently review and comment on local land use decisions during the public comment period, which limits its ability to appeal**
- **The state rarely appeals local land use decisions because appeals are politically and financially costly**
- Transportation concurrency requirements do not apply to state-owned transportation facilities of statewide significance, except in Island and San Juan counties
- The law is silent on whether state-owned transportation facilities and services that are not of statewide significance should be included in local concurrency systems
- The transportation concurrency requirement does not guarantee a uniform minimum level of service and local governments can adopt failing levels of service as their standard
- Transportation concurrency requirements do not apply to all jurisdictions
- Concurrency may trigger inefficient land uses such as sprawl
- The transportation concurrency requirement does not address existing transportation infrastructure deficiencies because it applies only to new development
- Local governments must accommodate projected population growth
- Because the state's role in reviewing and commenting on local comprehensive plans and development regulations is advisory, local governments may choose to disregard state comments

Policy Concepts

Planning	A. Technical Assistance. Increase technical assistance to cities and counties.
	B. WSDOT Review of Local Comprehensive Plans. Increase WSDOT participation in local land use processes.
Governance	C. Local Incentives. Provide incentives for local governments to adhere to best practices in planning, impact mitigation, and access control.
	D. Mandatory Good Planning Practices. Require local governments to adhere to best practices in planning and access control.
	E. Concurrency Expansion to State Highways and Ferry Routes. Expand the GMA transportation concurrency requirement to state-owned highways and ferry routes.
Funding	F. WSDOT Review of Development Proposals. Improve WSDOT development review processes.
	G. Mandatory Local Enforcement of State Requested Mitigation. Require local governments to condition development approvals on WSDOT mitigation requests.
	H. Mandatory Local Assessment of State Impact Fees. Require local governments to assess impact fees for improvements to state-owned highways and ferry routes.
	I. State Assesses and Collects Mitigation. Authorize WSDOT to independently assess and collect mitigation directly from the developer.
	J. System Charges. Amend state law as appropriate to allow the state or regional transportation planning organizations to establish and collect regional system charges directly from the developer.

Outcomes

- Legislation related to the policy concepts introduced in 2007 (Blue=Active):
 - Planning: SHB 1558 Establishing a growth management needs and priorities task force
SHB 1698 Requiring changes to certain urban growth area capital facilities plans
HB 1699 Clarifying criteria for more intensive development outside of urban growth areas
 - Funding: HB 1361 Dedicating existing revenue to infrastructure funding
HB 1858/SB 5767 Regarding the imposition of fees by Transportation Benefit Districts
SHB 2331 Funding qualifying projects through the urban corridor program of the transportation improvement board
 - Governance: SB 5210 Addressing transportation concurrency under the GMA
- Also legislation in 2007 session working against policy concepts:
HB 1753/SB 5683 Addressing transportation concurrency and impact fees under the GMA
- Proposed agency work plan items related to the policy concepts (2007-09)
 - Develop written policies, procedures, guidance documents, and training materials for WSDOT employees who review and comment on local plans and regulations
 - Develop a strategy for better utilizing existing SEPA authority to mitigate land use impacts on the state transportation system
 - Develop recommendations for potential agency-requested legislation during the 2008 legislative session based on the policy options identified in the analysis